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SIPDIS

SENSITIVE

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(ESMITH/JMCKANE), DRL/PHD (CKUCHTA-HELBLING)

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TAGS: [PGOV](#) [PHUM](#) [KPAO](#) [KDEM](#) [KZ](#) [POLITICAL](#)

SUBJECT: ZERO TOLERANCE FOR KAZAKHSTAN'S OPPOSITION PRESS

Ref: A) Almaty 3453, B) Almaty 3790, C) Almaty 3861

1. (SBU) SUMMARY: Harassment of opposition print media intensified in the three weeks leading up to start of the official campaign period October 25. While print runs have increased, there have been incidents ranging from confiscation of the entire print run of one paper, to grabbing copies out of cars to prevent them from reaching newsstands. More subtle and bureaucratic harassment has continued in the courts. Public statements by GOK representatives present a stark contrast between the official policy on media coverage of the elections and actions carried out to harass opposition media. It is not clear exactly where the orders to seize opposition newspapers are coming from, and the Presidential Administration admitted privately that there are sharply differing views on this among Nazarbayev's senior advisors. Some political analysts claim the authorities are behind the actions and suggest that government loyalists are once again over-fulfilling a plan for a big win on election day. First daughter Dariga Nazarbayeva threatened court action against any media that attempted to slander her father, the head of state, or their family. END SUMMARY.

Progressive Website Navi.kz Loses Site  
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2. (SBU) As reported Ref C, the well-known progressive Internet newspaper "Navigator" lost its site (navi.kz) following the trademark registration of its name by a person who shares a business address with the Khabar state TV channel. Navigator editor-in-chief Yuriy Mizinov posted an account on his new site, [www.mizinov.kz](#), about how navi.kz was taken offline. According to Mizinov's account, on October 13, he received a letter from the administrator for the .kz Internet domain names, informing him that the navi.kz site would be taken offline for copyright violations. The copyright complaint came from Sergey Bondertsev, who filed suit with the Almalinskiy District Court without notifying Mizinov or his staff. Back in September, Bondertsev created a clone of the Navigator site and registered the name "Navigator" and variations such as "navi." Mizinov then registered another domain, [www.mizinov.net](#), and that site was blocked. (The masthead of the site spells out "navi" in Morse code.) When Mizinov and his lawyer met with the bailiff October 21 to find out why [www.mizinov.net](#) was being blocked, they were told that the court would monitor the site for a month for further trademark violations. The site is back on the Internet via a proxy server after almost a week of being offline.

Harassment and Confiscations Across the Regions  
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3. (U) On October 10, the opposition media and the media advocacy organization Adil Soz reported that Kaziz Toguzbayev, a correspondent of the opposition weekly Azat, was arrested in Almaty while covering a conference of the opposition association, People's Party Alga (Ahead). Fifty-three conference participants were also arrested as they were marching to Republic Square to place flowers at the monument to Kazakhstan's independence. The Almaty inter-district administrative court sentenced him to 5 days' detention for participating in an unauthorized march. In protest, Toguzbayev went on a hunger strike for the period of his arrest. No one was allowed to meet him at the detention facility. (Note: On October 22 the registrar of the Justice Ministry suspended the registration application of the party, pending verification of the membership list. Party leader Asylbek Kozhakhmetov believes the move is a stalling tactic to delay a final decision on registration. End Note.)

4. (U) On October 17, FJK's press service reported claims of numerous incidents of harassment. According to FJK, activist Galina Gramlih and her husband were distributing opposition newspapers in the Al-Farabi district in Astana, when they were forced at gunpoint by four men dressed as civilians to drive to a police precinct where the police

confiscated 228 copies of opposition publications DATA Nedelya (Zhuma Times), three copies of Epokha, and 10 FJK pamphlets. Gramlih was accused of distributing illegal

campaign materials, although according to FJK the pamphlets did not contain any information that fit the legal definition of "campaign materials" exhorting voters to vote for a particular candidate. In the northern city of Kostanay on October 21, FJK reported that police stopped a car that was delivering the opposition papers Epokha, Pravda, Aptakz, and Svoboda Slova, and without explanation confiscated all copies. On October 22, FJK said that traffic police in Almaty stopped a car driven by two elderly Communist party members and confiscated 400 copies of Svoboda Slova, issue 33, and briefly detained 65-year-old Turbanaly Turginbayev for resisting the police confiscation. (Note: as noted in para 5, issue 33 was seized shortly after printing. Although the seizure was upheld by the courts, numerous copies of this issue managed to evade the authorities and are now circulating hand-to-hand.)

#### Svoboda Slova Issue #33 Confiscated, Defamation Suit Filed

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15. (U) As reported Ref C, the October 19 issue of opposition "Svoboda Slova" ("Freedom of the Press") newspaper was seized by police on the orders of the Almaty election commission. During an October 19 press conference, editor-in-chief Gul'zhan Yergaliyeva recounted how authorities had seized the paper and argued that article 20 of the law on mass media permitted confiscation only with a court order. Svoboda Slova journalists issued a statement saying someone at the Dauir printing firm had to have tipped off police about the paper's content because police arrived at 06:00, before the papers could be distributed. They note that the Dauir printing firm is owned by the President's sister-in-law, Svetlana Nazarbayeva. As noted in Ref A, Dauir agreed to print the opposition papers after the previous printer, Vremya, was pressured into refusing.

16. (U) The Minister of Interior told the Ambassador on October 22 that the paper was seized because the back page article about registration of Tuyakbay's candidacy constituted premature campaigning. He showed the Ambassador a copy of the paper to prove his point. On October 27, CEC Chairman Zhumabekov told Ambassadors Finley and Ordway that the only role the CEC has with regard to media is to oversee the process of providing space in state-owned newspapers and time on state-owned media. He disavowed any CEC authority to seek the seizure of newspapers, which he said belonged exclusively to the procuracy and law enforcement bodies.

17. (U) The media advocacy group Adil Soz and Mizinov report that on October 21, the court also fined DATA Nedeli 39,000 tenge (about \$290) for insulting the honor and dignity of the President in the article, "Kazakhgate: History of One Crime." The closed hearing took place with no legal representatives of the paper or witnesses. Yermurat Bapi had requested a postponement because DATA Nedeli founder and director Zhumash Kenesbai was in the hospital recovering from a heart attack.

#### Svoboda Slova Issue #34 Confiscated, Then Returned

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18. (U) Yergaliyeva posted a statement on kub.kz describing how early in the morning of October 26, police in Almaty stopped a car that was delivering 30,000 copies of Svoboda Slova, issue #34, and confiscated all copies. At 10:30 the same morning, a representative of the Medeu district police station arrived at FJK's central office and said that police had "made a mistake." He apologized for confiscating issue #34 and suggested that FJK come to the station to pick up the papers.

#### The Politically Correct Official Reaction and Response

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19. (SBU) Public statements by the editors of official media, by President Nazarbayev's campaign manager, and the information ministry present a stark contrast between the official policy on media coverage of the elections and actions carried out to harass opposition media. Kaisar Dzhanakhanov, chairman of the information and archive

committee of the information ministry, said publicly he had no information about the grounds for confiscating Svoboda Slova, nor any complaints regarding the paper's activities. He speculated that the reports were publicity stunts by the opposition.

10. (U) In comments to the press, Bakhytzhon Zhumagulov,

head of the President's campaign headquarters, agreed with Yergaliyeva's legal assessment and said that according to article 14 of the law on mass media, state agencies could block the sale of a newspaper only with a court order. He said that he did not support other actions blocking the sale of newspapers "if these actions are inconsistent with current legislation." Zhumagulov's comments followed his October 21 meeting with the head of the ODIHR/OSCE election observation mission for Kazakhstan Audrey Glover.

11. (U) At a press conference in Almaty on October 19, the chief editors of state television and print media declared their intention to provide unbiased coverage of the presidential election campaigns. Kazakhstanskaya Pravda's Oleg Kvyatkovskiy said, "Politics is defined by four simple words: objectivity, the principle of equal coverage of all candidates, impartiality, and naturally, due process of law in covering campaigns of each candidate." When asked if official media would publish opposition campaign materials, Sauytbek Abdrakhmanov of the official Kazakh language daily Yegemen Kazakhstan said, "That's a rhetorical question. It is required by law, so we will observe all legal requirements." Khabar Agency general director Ismail Igilmanov reminded journalists of the "pact" signed by more than 20 media outlets in late September "to equally distribute broadcasting time among the candidates and to be transparent in covering an election campaign of each candidate without any infringements."

12. (U) The information ministry announced October 21 its intention to continually monitor coverage of the presidential campaigns by state media and issue weekly reports on the quantity of reporting for each candidate. The results of the monitoring will be provided to the Central Election Commission, the campaign headquarters of each registered candidate, international election observation missions, civil election observation organizations, and media. The ministry reiterated that all candidates would be provided equal access to state-run television, radio, and print media for their campaigns. The ministry called on the media to be objective, fair, and balanced in covering campaigns and to observe high journalistic standards. Echoing the procurator's September warning to journalists to be responsible and not publish provocative, libelous information, the ministry reminded them to observe the law, which prohibited the publication of materials that insulted the honor, dignity, and reputation of the president.

13. (SBU) In an October 27 meeting with USOSCE Ambassador Julie Finley, Presidential Administration Chief Dzhakysbekov claimed that the seizure of newspapers that violated the law was justified, but added that there were those around the president that had different views, including his deputy, Marat Tazhin, who was sitting next to him.

14. (SBU) A statement by Dariga Nazarbayeva quoted on October 27 by Interfax suggests there may be even more legal actions in the future. She said that the President's family reserves the right to pursue cases of "libel" in the courts, including internationally, if circumstances of their personal life, their businesses and their other activities are used to discredit the president or Kazakhstan's reputation.

Why Are They Doing This?

15. (SBU) The gap between the official statements on media and harassment of opposition media by city and precinct level police raises questions about who is ordering the harassment and why. Here are a few of the theories that are currently on the street, and our own take on them.

16. (SBU) Fiona Hill of the Brookings Institution recently suggested that the authorities fear a "color revolution" in Kazakhstan. Our reading of the series of recent meetings between Nazarbayev and senior American officials, as well as our contacts with a number of his senior advisors, suggests that any such fear has been dramatically reduced in recent months. The more sophisticated advisors realize that provocative actions directed against the opposition are likely to increase rather than decrease the motivation to attempt mass protests in the streets.

17. (SBU) The prominent political scientist Nurbulat Masanov theorized to us that the harassment of the opposition media is calculated to limit their activities, and he claimed that it is "well known" that the authorities are behind it. We agree that the authorities are behind it, but the question remains exactly which authorities. While the seizure of Svoboda Slova may have been debated at the highest levels (at least after, if not before the action), the day-to-day harassment is much more likely to

be locally generated.

118. (SBU) Political commentator Yerlan Karin said the authorities don't simply want to win the presidential elections, they want an "astonishing victory." Our take is slightly different. Nazarbayev and his senior advisors are telling us repeatedly, and with apparent sincerity, that they realize a legitimate victory in the 60-70 percent range is better than a rigged victory in the 80-plus range. From this perspective, seizures of opposition press could be seen as loyalists over-fulfilling the plan in the absence of any explicit instructions. As in most post-Soviet states, in Kazakhstan anyone in a position of subordinate authority (political, business, governmental, administrative) feels compelled to "deliver" the best possible results for the incumbent President. This sense of competition is exacerbated by the highly centralized system of economic and political power centered on the President. In such a context, perceived self-interest will win out over admonitions from Astana -- assuming there have been any -- every time.

119. (U) Minimize for Dushanbe considered.

Ordway

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